

**New Mexico Public Education Department
December 4-7, 2006**

Scope of Review: A team from the U.S. Department of Education's (ED) Office of English Language Acquisition, State Consolidated Grant Division, conducted an on-site review of the New Mexico Public Education Department (NMPED) the week of December 4-7, 2006. This was a comprehensive review of the NMPED's administration of the following program authorized by the No Child Left Behind (NCLB) Act: Title III, Part A.

In conducting this comprehensive review, the ED team carried out a number of major activities. In its review of the Title III, Part A program, the ED team analyzed evidence of implementation of the State Title III accountability system, reviewed the effectiveness of the language instruction educational programs and professional development processes established by the State to benefit local educational agencies (LEAs) as well as district- level professional development implementation, and reviewed compliance with fiscal and administrative oversight activities required of the State educational agency (SEA). During the on-site review, the ED team visited two LEAs: Albuquerque and Santa Fe School Districts. In each of the school districts, the ED team interviewed administrative and teaching staff.

A representative of the OELA Internal Review Team conducted a review of fiduciary elements during the review. The Improper Payments Information Act of 2002 requires ED to conduct a risk assessment of the Title III program to determine if program funds are being delivered and administered in a manner that complies with the Congressional appropriation. Findings related to this portion of the review are presented under the Title III, Part A Monitoring Indicators: Fiduciary.

New Mexico Public Education Department Participants:

Catherine Cross-Maple, Deputy Secretary
Patricia Parkinson, Assistant Secretary for Curriculum and Instruction
Cynthia Marietta, Director, Administrative Service Division
Alberto Cuessy, Bureau Chief, Procurement
Elena Tapia, Financial Coordinator, Flow Through Department
Mathew Lovato, Finance Specialist, Flow Through Department
Cesaria Tapia, Financial Specialist, Flow Through Department
Darryl Landavazo, Bureau Chief, Student Teachers Accountability Reporting System (STARS)
Tom Dauphinee, Bureau Chief, Accountability
Lana Paolillo, Bureau Chief, Reading First
Rick Scott, Bureau Chief, Math and Science Standards and Instruction
Gladys Herrera-Gurule, State Director, Bilingual and Title III Programs, Bilingual- Multicultural Education Bureau (BMEB)
Kathryn (Kitty) Sherlock, Bilingual/Title III Coordinator, BMEB
Robert R. Romero, Bilingual/Title III Consultant, BMEB
Adrian Sandoval, Bilingual/Title III Consultant, BMEB
Arlene Romero, Bilingual/Title III Consultant, BMEB
Diana Jaramillo, English Language Arts Consultant
Margaret Delgado, Administrative Secretary, Assessment and Accountability

Albuquerque School District Participants:

Susan Pea, Associate Superintendent for Curriculum and Instruction
Lynda Espinoza-Idle, Instructional Manager for Standards Implementation
Jim Hall, Quality Assessment Manager
Darlene Vigil-Scott, Language Arts and LEP Coordinator
Laurita McKinney, Resource Teacher, Language and Cultural Equity
Dana Alma, Instructional Manager, Language and Cultural Equity
Margarita Porter, Instructional Manager, Language and Cultural Equity
Rosa Osborn, Instructional Manager, Language and Cultural Equity
Thomas Genne, Manager of Accountability Services
Al Sanchez, Director, Grant Management
Rose Ann Mckernan, Director of Research, Development, Accountability
Christopher Brunder, Manager, Research, Development, Accountability-Testing Services

Santa Fe School District Participants:

Mel Morgan, Associate Superintendent
Brett Gies, Testing Coordinator, Research, Development and Accountability
Denise Johnson, Director of Curriculum and Instruction
Isabelle Sandoval, Bilingual Director

U.S. Department of Education Participants:

Margarita Pinkos, Associate Assistant Deputy Secretary, OELA
Seree Weroha, Education Program Specialist, OELA
Samuel Lopez, Senior Education Program Specialist, OELA
Liz Bailey, Education Program Specialist, OELA
Amy Weinmann, Education Program Specialist, OELA
Ethan Raymond Allen, Senior Budget Analyst, OELA

Previous Audit Findings: None

Previous Monitoring Findings: None. This was the first Title III monitoring visit.

Summary of Title III, Part A Monitoring Indicators

State Submissions			
Element Number	Description	Status	Page
Element 1.1	State Submissions: Follow-up on areas identified through desk audit and document reviews	Reviewed	7
Fiduciary			
Element 2.1	Reservation of Funds: The SEA has a system in place that enables it to account for: (1) Funds reserved for State administration (2) Funds reserved to provide technical assistance and other State level activities (3) Funds reserved for immigrant activities, and (4) Funds that become available for reallocation	Finding: Further Action Required	7
Element 2.2	Allocations, Reallocations, and Carryover: The SEA complies with— <ul style="list-style-type: none"> • The procedures for Title III allocations outlined in Section 3114 • The procedures for allocating funds for immigrant children and youth programs as outlined in Section 3114(d) • The reallocation provisions in Section 3114(c) 	Finding: Further Action Required	7-8
Element 2.4	Equipment and Real Property: The SEA ensures that equipment is procured at a reasonable cost and is necessary for the performance of the Federal award. Title III funds cannot be used to acquire real property	Finding: Further Action Required	8
Element 2.5	Other Fiduciary Items : Other items reviewed under the Improper Payments Information Act of 2002 that were not specifically included in Elements 2.1, 2.2, 2.3, and 2.4	Findings: Further Actions Required	8

ELP Standards, Assessments and Accountability			
Element Number	Description	Status	Page
Element 3.1	English Language Proficiency (ELP) Standards: State English language proficiency standards have been developed, adopted, disseminated, and implemented	Finding: Further Action Required.	9
Element 3.2	ELP Assessments: ELP assessments have been administered to all LEP students in the State in grades K-12. Accountability through data collection has been implemented	Finding: Further Action Required.	9
Element 3.3	New English Language Proficiency Assessment: Transition to new ELP assessment or revision of the current State ELP assessment	Finding: Further Action Required.	10
Element 3.4	Annual Measurable Achievement Objectives (AMAOs): AMAOs have been developed and AMAO determinations have been made for Title III-served LEAs	Finding: Further Action Required.	10
Element 3.5	Data Collection: The State established and implemented clear criteria for the administration, scoring, analysis, and reporting components of its ELP assessments, and the State has a system for monitoring and improving the ongoing quality of its assessment systems. Data system is in place to meet all Title III data requirements, including capacity to follow Title III-served students for two years after exiting; State approach to following ELP progress and attainment over time, using cohort model	Reviewed	10

State Level Activities; LEA Authorized and Required Activities, Immigrant Children and Youth			
Element Number	Description	Status	Page
Element 4.1	<p>State Level Activities: Using funds reserved for State level activities, the State carries out one or more activities that may include:</p> <ul style="list-style-type: none"> • Professional development • Planning, evaluation, administration and interagency coordination • Promoting parental and community participation • Providing recognition to subgrantees that have exceeded AMAO requirements 	Reviewed	11
Element 4.2	<p>Required Subgrantee Activities: The LEA/subgrantee is responsible for increasing the English proficiency of LEP students by providing high-quality language instructional programs and high quality professional development to classroom teachers (including teachers in classroom settings that are not the settings of language instructional programs), principals, administrators, and other school or community-based personnel</p>	Reviewed	11
Element 4.3	<p>Authorized Subgrantee Activities: The LEA may use the funds by undertaking one or more authorized activities</p>	Reviewed	11
Element 4.4	<p>Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth: The subgrantee receiving funds under Section 3114 (d)(1) shall use the funds to pay for activities that provide enhanced instructional opportunities for immigrant children and youth</p>	Reviewed	11

State Review of Local Plans			
Element Number	Description	Status	Page
Element 5.1	Application: The SEA ensures that its LEAs comply with the provision for submitting an application to the SEA (Section 3116(a))	Reviewed	12
Element 5.2	Private School Participation: LEAs are complying with NCLB requirements regarding participation of LEP students and teachers in private schools under Title III	Reviewed	12
Element 5.3	Teacher English Fluency: Certification of teacher fluency requirement in English and any other language used for instruction (Section 3116(c))	Reviewed	12
State Monitoring of Subgrantees			
Element 6.1	Monitoring: The SEA conducts monitoring of its subgrantees sufficient to ensure compliance with Title III program requirements	Reviewed	12
Parental Notification			
Element 7.1	Parental Notification: Provisions for identification and placement and for failure to meet the AMAOs; notification in an understandable format (Section 3302)	Finding: Further Action Required	13

State Submissions

Element 1.1- State Submissions

Reviewed: The New Mexico Public Education Department (NMPED) has submitted all reports required under Title III, Part A, and the Consolidated State Application to the U.S. Department of Education. All reports were submitted in a timely manner. Addendums were reviewed and found to be complete. The Title III Director has responded promptly to any requests for additional information or clarification from ED.

Citation: Section 3123, 34 CFR 80.40

Fiduciary

Element 2.1 – Reservation of Funds

Finding: The NMPED has procedures in place to comply with the reservation of funds to account for State administration, technical assistance, immigrant activities, and the allocation and reallocation of funds. However, the procedures are not strictly adhered to with respect to the reallocation of funds. Of the four years' distribution verified, none of the final allocation sheets corresponds to the total funded authority issued by ED. The Education Department General Administrative Regulations (EDGAR) requires accurate records be kept for the distribution and expenditure of government funds.

Further Action Required: The NMPED must adjust the final allocation tables to show the adjustments made for all reallocation of funds that occurred during the funding cycle. If the SEA did not utilize all of the funds authorized by ED, then it should be explained either in the table or as a footnote to the table. If NMPED does not fully obligate its Title III funds within the period of their availability, funds not obligated must be returned to the Federal government.

Citation: Sections 3114(a) and 3114(c), 34 CFR 76.720 and 76.709

Element 2.2 – Allocations, Reallocations, and Carryover

Finding: The NMPED complies with the procedures on how to allocate the funds for the LEP and immigrant portions of the grant, but does not comply with the reallocation provisions. The amounts in final allocations table do not agree with the total amount drawn down from the ED GAPS system. The drawdowns for FY 2003 (the last fiscal year for which funds have expired) show that all of the funds were drawn down. However, the final allocation table shows that not all of the funds were allocated.

Further Action Required: The NMPED must adjust the final allocation tables to show the adjustments made for all reallocation of funds that occurred during the funding cycle. When the

last drawdown is made from the ED GAPS system for an expiring grant, the SEA must compare the totals between the ED GAPS system and the final allocation tables, and make appropriate adjustments.

Citation: Section 3114(a) and 3114(c); 34 CFR 76.702

Element 2.4 – Equipment and Real Property

Finding: Neither the NMPED nor the LEAs reviewed could produce or furnish equipment/supply listings.

Further Action Required: NMPED must establish procedures to account for the purchase, receipt, distribution, and disposition of equipment and supplies. These records should include the location, item tag number, date purchased, amount of purchase, and other information as appropriate to adequately identify the item and its location. Procedures should be established that allow for the generation of verification listings by site and/or department to allow for annual verification of equipment and supplies.

Citation: 34 CFR 80.31 and 80.32

Element 2.5 – Other Fiduciary Items

Other items reviewed under the Improper Payments Information Act of 2002 that were not specifically included in Elements 2.1, 2.2, 2.3, and 2.4 above:

NMPED Disbursements:

Finding: Of forty transactions reviewed, two disbursements were found to have invoices that did not have invoice numbers. This situation may inadvertently allow for the possibility of duplicate payments being made.

Further Action Required: NMPED must ensure that vendors furnish invoices that are complete: dated, signed, fully explained services and have invoice numbers to help reduce possibility of erroneous payments.

Citation: 34 CFR 80.20)

Albuquerque School District Disbursements:

Finding: Of twenty-six transactions reviewed one disbursement was found to be missing documentation to support the purchases. This payment was for items on a purchase card. All purchases made on the purchase card should be supported by approved requests for supplies and supported by receipts.

Further Action Required: Albuquerque School District must ensure that purchase card payments are supported by copies of approved orders invoices/receipts, travel authorizations, or other items, as appropriate, to show how and why these purchases were made and who authorized them.

Citation: 34 CFR 80. 20 and 80.36

NMPED Processing of Reimbursements to LEAs:

Reviewed: The documentation of drawdowns by NMPED from the ED GAPS system revealed that the amounts matched the total of the requests from the various LEAs. However, this review further showed that the average delay in payment was over thirty days from the date of the request. Delays in providing reimbursements to the LEAs could require them to delay making purchases that are needed to achieve program objectives.

Recommendation: It is recommended that the NMPED review its reimbursement procedures to determine if there are any ways to eliminate the delays or streamline the process so that Title III-funded LEAs are reimbursed in a timelier manner.

Citation: 34 CFR 80.20)

ELP Standards, Assessments, and Accountability

Element 3.1 - ELP Standards

Finding: The NMPED has not aligned State English Language Proficiency (ELP) standards to the achievement of State academic content and student academic achievement standards in mathematics.

Further Action Required: The NMPED must submit a plan and a timeline that delineates the steps the State will take to align the State English language proficiency standards to the achievement of State academic content and student academic achievement standards in mathematics.

Citation: Sections 3113 and 3116

Element 3.2 - ELP Assessments

Finding: District level officials raised concerns about the validity and reliability of the New Mexico English Language Proficiency Assessment (NMELPA) for grades K-2. At the exit conference, State officials acknowledged these concerns.

Further Action Required: The State must ensure the validity and reliability of the New Mexico English Language Proficiency Assessment (NMELPA) for grades K-2. New Mexico must submit a plan and timeline to comply with this requirement.

Citation: Sections 3113, 3116, and 3122.

Element 3.3 – New English Language Proficiency Assessment

Finding: The NMPED has not yet conducted a comparability analysis between the LAS, IPT and Woodcock Munoz assessment instruments and the new NMELPA ELP assessment. See, Element 3.2

Further Action Required: The State must submit a plan and timeline to conduct and complete a comparability analysis between the LAS, IPT and Woodcock Munoz assessment instruments and the new NMELPA ELP assessment.

Citation: Section 3113

Element 3.4 – Annual Measurable Achievement Objectives (AMAOs)

Finding: The NMPED did not make AMAO determinations for the 2005-2006 school year because it had not established comparability of the previously administered ELP tests (LAS, IPT, and Woodcock Munoz) and the NMELPA, and therefore, could not calculate the “making progress” AMAO comparing ELP data from 2004-2005 to 2005-2006.

Further Action Required: The State must make AMAO determinations for the 2004-2005 and 2005-2006 school year and submit evidence to OELA that it has complied with this requirement.

Citation: Section 3122

Element 3.5 – Data Collection

Reviewed: The NMPED has established and implemented an English language proficiency data collection system and an ongoing plan for improving the quality of this system.

Citation: Sections 3113, 3121, and 3122

State Level Activities; LEA Authorized and Required Activities; Immigrant Children and Youth

Element 4.1 – State Level Activities

Reviewed: The State has conducted a number of professional development workshops and training for teachers and administrators regarding Title III and LEP students' educational needs.

Citation: Sections 3111 and 3122

Element 4.2 – Required Subgrantee Activities

Reviewed: School districts provided evidence that they are using Title III funds to implement the required subgrantee activities. The on-site monitoring team visited two LEAs: Albuquerque Public Schools and Santa Fe Public Schools, and was provided sufficient evidence that professional development and instructional activities were fully implemented. School districts indicated that NMPED provides guidance and technical assistance regarding the types of activities that LEAs are required to implement with Title III funds.

Citation: Section 3115(c)

Element 4.3 – Authorized Subgrantee Activities

Reviewed: During the on-site visits to Albuquerque and Santa Fe Public Schools, the ED monitoring team found that subgrantees are conducting authorized activities, such as parental outreach and after-school programs. School districts indicated that NMPED provides guidance and technical assistance regarding the types of activities that LEAs are authorized to implement with Title III funds.

Citation: Section 3115(d)

Element 4.4 – Activities by Agencies Experiencing Substantial Increases in Immigrant Children and Youth

Reviewed: The State provides LEAs information on Title III funds available to school districts experiencing a significant increase in immigrant children and youth. New Mexico complied with the requirement to distribute subgrants to LEAs that had experienced significant increases in the percentage or number of enrolled immigrant children and youth.

Citation: Section 3114(d)

State Review of Local Plans

Element 5.1 – State Review of Local Plans

Reviewed: The NMPED has implemented a process for reviewing LEA local plans. The State provided evidence of its guidelines for developing and evaluating Title III LEA plans/applications. The guidelines provide information to LEAs regarding the purpose of Title III, required and authorized activities, elements of the local plan, and the evaluation and monitoring process. Annual applications are reviewed and approved to ensure that programs meet statutory requirements. The current single year plan/application provides the LEA the opportunity to submit an application each year to make it more efficient for the SEA to collect the needed information.

Citation: Section 3116

Element 5.2 – Private School Participation

Reviewed: The NMPED ensures that subgrantees are meeting the requirement to provide equitable services to LEP children and educational personnel in private schools that are located in the jurisdictions served by the LEAs. Each LEA is required to notify all private schools in its jurisdiction of the opportunity to participate in Title III programs.

Citation: Section 9501

Element 5.3 – Teacher English Fluency

Reviewed: The State Teacher Standards and Practices Commission (TSPC) is the agency that issues teacher licenses in New Mexico. TSPC requires all teachers applying for teaching licenses to pass a PRAXIS test in their subject of endorsement, as well as a PRAXIS test of basic skills. Both tests assess the applicants'/teachers' knowledge and skills in English reading and writing. Additionally, applicants/teachers seeking an ESOL/Bilingual endorsement are required to take the recommended institution's test in the language of instruction.

Citation: Section 3116(c)

State Monitoring of Subgrantees

Element 6.1 – State Monitoring of Subgrantees

Reviewed: The State has established a five-point monitoring system that includes both on-site monitoring and desk audits. The NMPED collects information regarding administrative, fiscal, programmatic and school-level activities through this system.

Citation: Sections 3113, 3122 and 34 CFR 80.40

Parental Notification

Element 7.1– Parental Notification

Finding: The New Mexico Public Education Department did not provide sufficient evidence that subgrantees met the requirement to notify parents of failure to meet Title III AMAOs. During the on-site review, it was confirmed that the NMPED did not provide guidance to LEAs on the notification that must be sent to parents of LEP students in Title III-served LEAs that failed to meet Title III AMAOs.

Further Action Required: The State must ensure that Title III-served LEAs that fail to meet AMAOs notify parents, in an understandable and uniform format, and to the extent possible, in a language that the parents can understand, not later than 30 days after such failure occurs.

Citation: Section 3302(b)